



PLANNING & DEVELOPMENT  
SERVICES DEPARTMENT

## CITY OF FRISCO

GEORGE A. PUREFOY MUNICIPAL CENTER  
6101 FRISCO SQUARE BLVD · 3RD FLOOR  
FRISCO, TEXAS 75034  
TEL 972.292.5300 · FAX 972.292.5388  
WWW.FRISCOTEXAS.GOV

### Memorandum

**To:** Honorable Mayor and City Council Members

**From:** Suzanne Morgan, Planner

**XC:** George Purefoy, City Manager  
John Lettelleir, AICP, Director of Planning & Development

**Date:** October 24, 2008

**Subject:** Public Hearing: Specific Use Permit (SUP08-0009), A request for a Drop-In Child Care on one lot on 0.8± acre on the south side of Lebanon Road, 500± west of Ohio Drive. Zoned Commercial-1. Neighborhood #29. (Planning & Development Services)

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**Action Requested:** Hold the public hearing and direct staff in the preparation of an Ordinance.

**Background Information:** The applicant requests a Specific Use Permit to allow a Drop-In Child Care at Rick's Kicks which has been in operation since 2005 but only made known to City staff in February 2008. In addition to martial arts classes, the facility offers an after school program in which children are picked up from school by Rick's Kicks staff and transported to the center. There, the children have time scheduled to complete their homework and then attend various martial arts classes. There is no academic curriculum taught at the facility. The average length of stay during the after school program is approximately three hours, from 3 p.m. to 6 p.m.

There is an enclosed play yard at the rear of the building, but it does not provide the required 65 square feet per child. The Zoning Ordinance allows the outdoor play space requirement to be waived for a Drop-In Child Care Center that provides care to children for less than four hours per day.

**Board Review/Citizen Input:** The Planning & Zoning Commission held a public hearing at their October 14, 2008 meeting and voted 6-0 to recommend approval to the City Council.

**Alternatives:** The City Council may:

- Approve the request and direct staff to prepare an Ordinance;
- Approve with modifications and direct staff to prepare an Ordinance;
- Deny the request; or
- Table for further review.

**Financial Considerations:** Not applicable.

**Legal Review:** Not applicable at this time.

**Supporting Documents:**

- Planning & Zoning Commission Result Memo dated October 15, 2008.
- Staff Report.
- Location Map.
- Exhibits A & B.

**Recommendation:** The Planning & Zoning Commission is recommending approval subject to City Council approval of a waiver of the requirement for 65 square feet outdoor play space per child as indicated in their October 15, 2008 Outcome Memo.




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October 15, 2008

**TO:** Applicant

**FROM:** Scott L. Ingalls, AICP   
Development Coordinator

**SUBJECT:** Results of the Planning & Zoning Commission, October 14, 2008

**Public Hearing:** SWC Ohio/Lebanon Addition, Block A, Lot 8 - Rick's Kicks  
(SUP08-0009)

**Owner:** Rick's Kicks Development Co., L.L.C./Rick's Kicks Martial Arts

**Description:**

A request for a Specific Use Permit for a Drop-In Child Care on one lot on 0.8± acre on the south side of Lebanon Road, 500± west of Ohio Drive. Zoned Commercial-1. Neighborhood #29.

**APPROVED:** 6-0 **DENIED:** \_\_\_\_\_ **TABLED:** \_\_\_\_\_

**ACTION:**

The Planning & Zoning Commission approved the item subject to City Council approval of a waiver of the requirement for 65 square feet outdoor play space per child.

SM/kj

cc:	Bruce Smith	(214)618-3830		
	Mack Borchardt	Cissy Sylo	Steve Covington	Phillip Climer
	Mike Crain	Umberto Allori	Jim Cottone	Carey Frazier
	Jeff Maxwell	Michele Wood	Diana Torres	Poly Birika
	Michelle Ortega			

**Agenda No.:** 5  
**Public Hearing:** SWC Ohio/Lebanon Addition, Block A, Lot 8 - Rick's Kicks  
(SUP08-0009)  
**Owner:** Rick's Kicks Development Co., L.L.C./Rick's Kicks Martial Arts

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**DESCRIPTION:**

A request for a Specific Use Permit for a Drop-In Child Care on one lot on 0.8± acre on the south side of Lebanon Road, 500± west of Ohio Drive. Zoned Commercial-1. Neighborhood #29.

**HISTORY:**

The Planning & Zoning Commission approved the development of a martial arts studio on the property in December 2003. In February of this year, the Fire Marshall was made aware that in addition to the martial arts classes, a drop-in child day care was operating in the facility which would require the building to be sprinkled for fire protection. The Fire Marshall inspected Rick's Kicks and determined that the child care use would require the building to be sprinkled. The applicant was informed of the requirement and met with staff. The Fire Marshall is currently working with the applicant to make the necessary modifications to the building to provide the required sprinkling system for a drop in child care center.

According to the applicant, they have been licensed by the State for a day care since 2005; however, no approval had been granted for a Specific Use Permit for this use. The applicant requests approval of a Specific Use Permit for a Drop-In Child Care to continue operation of the business.

**REMARKS:**

This is a request for a Specific Use Permit to allow for a Drop-In Child Care. The applicant has indicated that the State has licensed Rick's Kicks for a maximum capacity of 34 children and the after school and summer programs have an average enrollment of approximately 15 students. Martial arts classes are offered for children three years and older throughout the day. Children in the after school program are picked up from school by Rick's Kicks staff and transported to the site. There the children have time scheduled to complete their homework. There is no food preparation at the facility. The applicant is aware that they will need to obtain a health permit if they choose to prepare or serve food. The children then attend various martial arts classes. There is no academic curriculum taught at the facility.

The average length of stay during the after school program is approximately three hours, from 3 p.m. to 6 p.m. There is an enclosed play yard at the rear of the building; however, this area is approximately 480 square feet and does not provide the required 65 square feet per child. The Zoning Ordinance allows the outdoor play space requirement to be waived for a facility that provides care to children for less than four hours per day.

Zoning and land use of the surrounding properties are as follows:

Direction	Land Use	Zoning	Comprehensive Plan
North	Vacant	Commercial-1	Office
East	Retail	Commercial-1	Retail
South	Retail	Commercial-1	Retail
West	Retail	Commercial-1	Retail

The Zoning Ordinance lists four criteria in determining the appropriateness of the SUP Request. The following are the four criteria and staff's comments on each of the criteria:

1. Is the property harmonious and compatible with its surrounding existing uses or proposed uses?

Day cares are allowed in several residential and non-residential zoning districts with the approval of a Specific Use Permit. The Comprehensive Plan recommends that:

- Day care centers should be located along major and minor thoroughfares, or as part of a mixed use development located on a collector street or higher.

The proposed day care center is located along Lebanon Road, a major thoroughfare, and within a retail center. The day care is compatible with surrounding uses.

- Day care centers should have direct access from a median opening.

The day care center has direct access to a median opening on Lebanon Road.

- The architectural character of day care centers should be compatible with surrounding residential uses (other surrounding uses also noted).

There are no adjacent residential uses. The building is compatible with the surrounding commercial uses and no modifications are proposed to the building's facade with this request.

- Parking areas should be screened with landscaping or berms.

Parking is screened from Lebanon Road with an evergreen shrub screen.

- Day care centers should not be located at residential subdivision entrances.

The day care center is not located at a residential subdivision entrance.

2. Are the activities requested by the applicant normally associated with the requested use?

This facility directs its business to children and their development. This type of use is commonly found in retail centers.

3. Is the nature of the use reasonable?

The use of a drop-in day care center associated with the martial arts studio is reasonable at this location. Use of this property for a day care center rather than a drop-in day care is not feasible due to the inadequate outdoor play space (65 square feet per child) as required by the Comprehensive Zoning Ordinance. The children attending the facility are school aged from five to twelve years old.

4. Has any impact on the surrounding area been mitigated?

This use does not create any negative impacts on the surrounding retail properties. Staff has not received any complaints regarding the use of the property while it has been in operation.

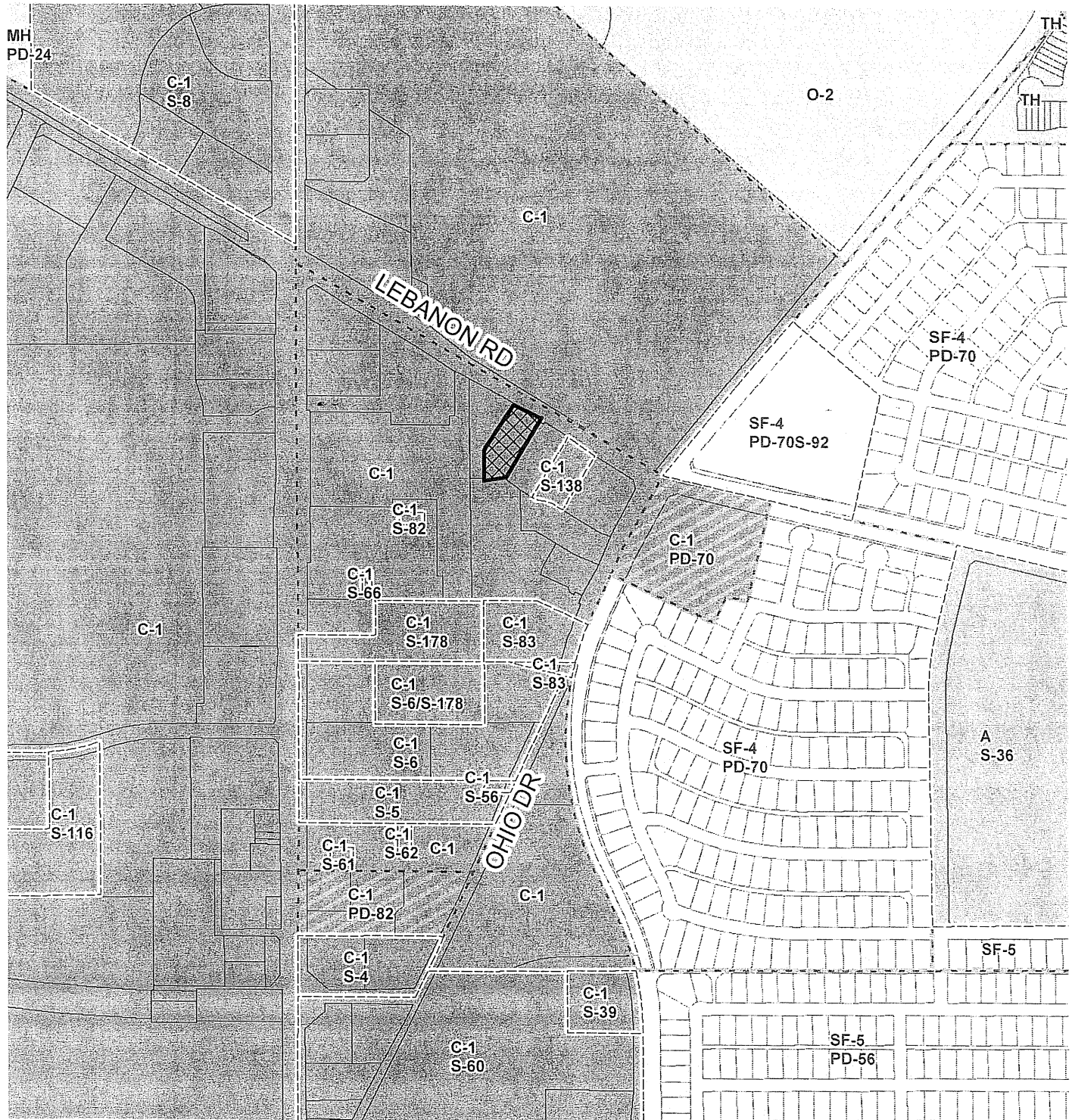
**SUMMARY:**

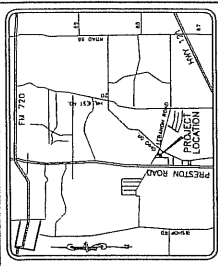
In staff's opinion the request meets the four criteria for approval of the Specific Use Permit.

**RECOMMENDATION:**

Recommended for approval subject to City Council approval of a waiver of the requirement for 65 square feet outdoor play space per child.

# Rick's Kicks





LOCATION MAP  
NOT TO SCALE

RICK'S KICKS DEVELOPMENT CO. LLC  
LOT 8, BLOCK A  
EXISTING ZONING: C-1  
REQUESTED ZONING: C-1 W/SUP

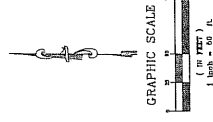


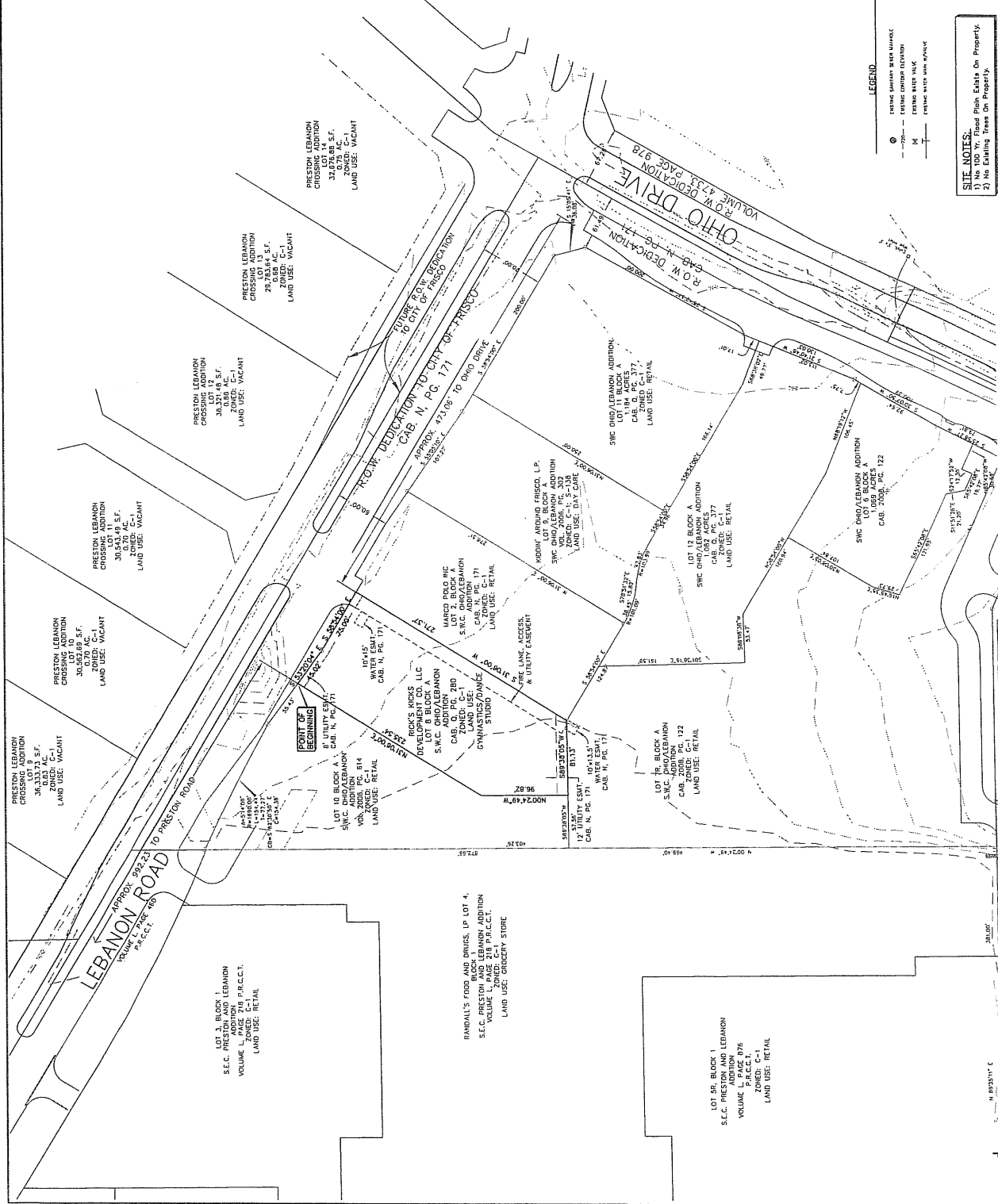
EXHIBIT A: SUP08-0009  
SWC OHIO/LEBANON ADDITION

0.78 ACRES  
BLOCK A, LOT 8  
SURVEY NO. 7  
CITY OF FRESCO, COLLIN COUNTY, TEXAS

RICK'S KICKS DEVELOPMENT CO. LLC  
Frisco, Texas 75035  
APPLICANT  
(972)772-5425

JBI PARTNERS, INC.  
13301 Quorum Drive, Suite 200 B  
Frisco, Texas 75035  
PLANNER/SURVEYOR/ENGINEER  
(972)248-7878

SUBMITTED: OCTOBER 3, 2008



LEGEND

- EXISTING SURVEY MARKS
- EXISTING EASEMENTS
- EXISTING RIGHT-OF-WAY
- PROPOSED RIGHT-OF-WAY

SITE NOTES:

- 1) No 100 Yr Flood Plain Exists On Property.
- 2) No Existing Trees On Property.

EXHIBIT A



